



City of Seattle

**Department of Planning and Development**

D. M. Sugimura, Director

**CITY OF SEATTLE  
ANALYSIS AND DECISION OF THE DIRECTOR OF  
THE DEPARTMENT OF PLANNING AND DEVELOPMENT**

**Application Number:** 3011585  
**Applicant Name:** Randall Spaan  
**Address of Proposal:** 1301 32<sup>nd</sup> Ave S

**SUMMARY OF PROPOSED ACTION**

Land Use Application to allow a 165 square foot one story addition with roof deck to an existing single family residence in an environmentally critical area.

The following approval is required:

**Variance** – to allow a reduction in front yard from 17.17 feet to 6.08 feet per Section 25.09.280.B

**SEPA DETERMINATION:** ☒ Exempt ☐ DNS ☐ EIS

☐ DNS with conditions

☐ DNS involving non-exempt grading or demolition or  
involving another agency with jurisdiction.

**BACKGROUND DATA**

**Site Description**

The site is located on the southwest corner of the intersection of S Judkins St. and 32<sup>nd</sup> Avenue S. Approximately the west half of the lot is either steep slope or steep slope buffer. A small house (about 740 square feet) sits on the east half of the lot at the edge of the required steep slope buffer. The site is zoned SF 5000 as are properties on both sides of this block of 32<sup>nd</sup> Ave. S. The zoning of property abutting to the west of the subject site is LDT.

Surrounding development consists of one to two story single family structures, many with garages.

### Description of Proposal

The applicant proposes to construct a new one story 165 square foot addition to an existing single family residence. The addition is proposed to have a roof deck. The new addition is proposed to be located approximately where an existing deck was recently constructed without a permit. The deck is proposed to be removed.

### Public Comment

Notice of the proposal was issued on September 16, 2010. One comment letter was received from an abutting property owner concerned about location of survey stakes and property lines.

### **ANALYSIS – STEEP SLOPE AREA VARIANCE**

Pursuant to SMC 25.09.280.B the Director may reduce required yards to avoid development in a steep slope or steep slope buffer. Criteria and responses for granting a variance found in SMC 25.09.280.B are listed below:

***SMC 25.09.280.B. Yard and setback reduction and variance to preserve ECA buffers and riparian corridor management areas.***

***B. The Director may approve a yard or setback reduction greater than five feet (5') in order to maintain the full width of the riparian management area, wetland buffer or steep-slope area buffer through an environmentally critical areas yard or setback reduction variance when the following facts and conditions exist:***

- 1. The lot has been in existence as a legal building site prior to October 31, 1992.***

The subject property was in existence prior to October 31, 1992. This has been documented on Building Permit 344017 issued in 1941.

- 2. Because of the location of the subject property in or abutting an environmentally critical area or areas and the size and extent of any required environmentally critical areas buffer, the strict application of the applicable yard or setback requirements of Title 23 would cause unnecessary hardship; and***

Although the existing house only covers about 18.5% of the lot (740 sq ft of a 4000 sq ft lot), the remainder of the site is precluded from development by ECA steep slope and buffer requirements to the west of the house, and required front and side yard requirements in the other three directions. The only direction to add a room would be either above as a second story or below as a new basement. In either case, the structural upgrades needed to the existing house would be disproportionately costly compared to the cost of a small addition, causing unnecessary hardship.

3. ***The requested variance does not go beyond the minimum to stay out of the full width of the riparian management area or required buffer and to afford relief; and***

The existing house is small and is located at the edge of the required steep slope buffer. The proposed addition will be outside the required steep slope buffer on the opposite side of the house. The addition is proposed to be setback from the front property line 6.08 feet which is greater than the setback of the houses on the blockfront across the street from the subject property and is not much less than the front setback of two other houses on the

The requested variance would result in a development that has a footprint similar to or smaller than most other houses in the neighborhood. The placement of the proposed addition on the other side of the house from the ECA prevents any intrusion into the steep slope areas. Given the constraints of the ECA ordinance requirements and the standard land use code yard requirements coupled with the small size of the existing house with the proposed addition, the proposal does not go beyond the minimum to afford relief.

4. ***The granting of the variance will not be injurious to safety or to the property or improvements in the zone or vicinity in which the property is located; and***

The proposed development will be subject to geotechnical and engineering review at the construction permit stage to ensure there is no damage to adjacent property stability. Granting the variance to reduce the front yard to avoid the steep slope area will not be injurious to safety, property, or improvements in the zone or vicinity.

5. ***The yard or setback reduction will not result in a development that is materially detrimental to the character, design and streetscape of the surrounding neighborhood, considering such factors as height, bulk, scale, yards, pedestrian environment, and amount of vegetation remaining; and***

The proposed development would result in a single family house which is similar to the size and front setback found throughout the nearby neighborhood. The street adjacent to the site has been improved with sidewalks and curbs in the immediate vicinity. The sidewalk is located closer to the street centerline and farther from the front property line than is typical in many Seattle neighborhoods, resulting in a front setback that appears greater than it actually is proposed to be. The proposal will not result in materially detrimental effects on the character, design, and streetscape of the surrounding neighborhood.

6. ***The requested variance would be consistent with the spirit and purpose of the environmentally critical policies and regulations.***

The environmentally critical policies and regulations were created to preserve existing environmentally critical areas while allowing reasonable use of existing parcels. The

proposal would be consistent with the spirit and purpose of the environmentally critical policies and regulations, subject to the Conditions section below.

***C. When an environmentally critical areas variance is authorized, the Director may attach conditions regarding the location, character and other features of a proposed development to carry out the spirit and purpose of this chapter.***

At the advice of the DPD geotechnical engineer, conditions are placed on the proposal to further protect the environmentally critical area: Show on the building permit plans, a north to south construction separation fence no further west than 30 feet west of the east property line (within the north side yard), and maintenance of such a fence during construction.

### **DECISION – STEEP SLOPE AREAS VARIANCE**

ECA Variance to allow a reduced front yard of 6.08 feet in order to preserve the steep slope and required buffer is **CONDITIONALLY GRANTED.**

### **CONDITIONS OF APPROVAL**

#### *Prior to Issuance of Construction Permit*

- 1) Show on the building permit plans, a north to south construction separation fence no further west than 30 feet west of the east property line (within the north side yard).

#### *During Construction*

- 2) Maintain the required north to south construction separation fence no further west than 30 feet west of the east property line (within the north side yard).

Signature: (signature on file)  
Jerry Suder, Land Use Planner  
Department of Planning and Development

Date: January 5, 2011